(96)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 1877 of 2006

Petitioner : **B. Shirish Naidu**
Age about 38 years, S/o B.K. Naidu
R/o 18/43, New Shanti Nagar, Raipur (C.G.)

VERSUS

Respondents

1. **Regional Transport Authority**
Raipur (C.G.)

2. **Ramesh Sharma**
S/o Ramsewak Sharma, Age 32 years, R/o Devendra Nagar, Raipur Chhattisgarh

3. **Abdul Hanif**
S/o Abdul Gafur,
K.K.Road, Mohda Para, Raipur (C.G.)

4. **Harbhajan Singh**
S/o Late Shri Gurumukh Singh,
R/o Station Road, Mahasamud (C.G.)

5. **Gopal Sinha**
S/o K.R. Sinha,
R/o Ramsagar Para, Raipur (C.G.)

Present: Shri Ajay Shrivastava, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for respondent No. 1.
Smt Hamida Siddique and Ms. Yoshita Masih, learned counsel for respondent No. 3.
Shri Santosh Gupta, learned counsel for respondents 4 & 5.

ORAL ORDER

(Passed on 27th June, 2006)

The grievance of the petitioner is that though he made an application on 16-02-2004 to the Regional Transport Authority, Raipur, the 1st respondent herein for grant of regular permit for the route Raipur to Saraipali, that application was not clubbed with the applications made by

respondents 2 to 5 and their applications were allowed and permits were granted. The petitioner in para 5.2 of the petition has set out the application made by the contesting private respondents, the dates of the applications and the dates on which the permits were granted. This Court in W.P. No. 257/2006, disposed of on 01-02-2006 has held thus:

> "It is well settled that if a statutory authority receives more than one application for parting largesse of the State or for grant of permit, licence etc., equitable principles which flow from Article 14 postulates would mandate such statutory authority to club all such rival applications, consider them together and dispose of them by a common order in order to ensure fairness in consideration and also in order to appreciate relative merits of the applicants together and to part with largesse of the State to a most suitable person amongst the applicants to subserve the public interest. Since the petitioner made application well before the 4th respondent made application for grant of regular permit on the same route, in terms of priority as well as seniority, the petitioner's application should have been considered and decided earlier or atleast it should have been clubbed with the application of the 4th respondent. The self-serving statement of respondents 2 and 3 to suit their convenience and to raise an excuse to cover up an apparent illegal act on their part does not inspire confidence of the Court. Justice should be done and at the same time that is seen to have been done is a cardinal rule of principles of natural justice. In that view of the matter, I think the ends of justice would be met by directing the 2nd respondent to club the application of the petitioner with that of 4th respondent, consider them together and pass appropriate common order on merit, strictly in accordance with law after affording reasonable opportunity to both the parties and I think, that is the only fair way of doing justice in a matter like this."

2. In the result, I allow this writ petition and set aside the permits granted in favour of the contesting private respondents. The 1st respondent is directed to club the rival application of the petitioner with that of respondents 2 to 5 and consider them together and pass appropriate orders granting permits to eligible persons. No costs.

Sd/-
Chief Justice